

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20747

Application 29872 of Latrobe Properties

c/o Warren B. More, 3377 Coach Lane, Suite A, Cameron Park, CA 95682
filed on December 3, 1990, has been approved by the State Water Resources Control Board
SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

an Unnamed Stream

Latrobe Creek thence

Deer Creek thence

Cosumnes River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
<u>POND NO. 1</u> North 335,100 feet and East 2,290,800 feet, Zone 2, California Coordinate System	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	3	8N	9E	MD

County of El Dorado

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acre
Stockwatering	NE $\frac{1}{4}$ of NE $\frac{1}{4}$	4	8N	9E	MD	
Irrigation	NW $\frac{1}{4}$ of NW $\frac{1}{4}$	3	8N	9E	MD	12.5

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 60 acre-feet per annum to be collected from December 15 of each year to April 15 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purposes. (000005I)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Complete application of the water to the authorized use shall be made by December 31, 1998. (0000009)

8. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

9. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

10. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

11. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the state Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

12. Permittee shall comply with the following provisions which are derived from the letters of agreement between permittee and Mike Tudesko dated July 30, 1992 and August 26, 1992, and filed with the State Water Resources Control Board:

Run-off shall not be impounded in the permittee's ponds unless there is water running in Deer Creek at the Highway 16 bridge at Sloughhouse. The Sun Ridge Owners Association (Association) through its Board of Directors and Manager, Mr. Lynn Fetch or his successor, shall be responsible to periodically inspect Deer Creek at Sloughhouse to assure compliance. If Deer Creek is not running at Sloughhouse and surface water is entering the permittee's ponds, an equal amount of water shall be released from such ponds by the Association Manager. In the event a personnel change is made or telephone numbers change at the Association or Tudesko Ranches changes ownership, the other party will be notified in writing within 30 days.

Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit. (0000024)

13. Permittee shall comply with the following provisions which are derived from the agreement between permittee and Gary and Gail Ward executed on August 2, 1993 and filed with the State Water Resources Control Board (SWRCB):

- (1) Permittee and any successor Permittee agrees that water diverted under this permit shall not be impounded into the lake during the diversion season and during those periods of time when the streamflow below the lake through the Ward's property is not adequate for the Ward's reasonable stockwatering needs from the source. No less than fifty percent (50%) of the water flowing into the lake during the non-appropriation season (April 16 to December 14) shall be passed through the lake release valve for the Ward's riparian use.
- (2) Permittee shall within ten (10) days after the lake release valve has been closed, following the issuance of a permit for the appropriation of the water by the SWRCB, purchase and install a stockwatering tank of not to exceed 200 gallons on the Ward property in the vicinity of where the stream channel crosses the Latrobe-Ward boundary, the distance from the boundary fence not to exceed 200 feet, and lay a 3/4-inch pipeline to the tank from the lake or, if lake supplies are inadequate, from a well to be constructed on the common parcel, and thereafter deliver sufficient water to keep the stockwatering tank supplied with water from stockwatering, the inflow to be activated by a float valve installed by Latrobe Properties at the tank, so that the Wards will have, during the non-appropriation season, a stockwater supply in said tank.
- (3) Permittee as well as the successor shall be responsible for compliance with above no-diversion and stockwatering flow conditions. Permittee and the Wards, and their respective agents, successors and assignees, shall upon 24-hour prior notice have the right to inspect the property of the other to determine whether the terms of this agreement are being complied with by the other party.

Inclusion in this permit of certain provisions of the referenced agreement shall not be construed as disapproval of other provisions of the agreement or as affecting the enforceability, as between the parties, of such other provisions insofar as they are not inconsistent with the terms of this permit. (0000024)

14. Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure the rate and quantity of water diverted into the reservoir from the unnamed streams, and water released from or flowing out of the reservoir. (0060046)

15. Permittee shall install and properly maintain in each reservoir a staff gage, satisfactory to the State Water Resources Control Board, for the purpose of determining water levels in the reservoirs.

Permittee shall record the staff gage readings on or about October 1 of each year. Such readings shall be supplied to the State Water Resources Control Board with the next progress report submitted to the Board by permittee.

The State Water Resources Control Board may require the release of water which cannot be verified as having been collected to storage prior to October 1 of each year. (0070047)
(0100047)

16. If the storage dam is of such size as to be within the jurisdiction of the Department of Water Resources as to safety, storage of water under this permit shall not be commenced until the Department has approved the plans and specifications for the dam. (0360048)

17. This permit is subject to prior rights. Permittee is put on notice that, during some years, water will not be available for diversion during portions or all of the season authorized herein. The annual variations in demands and hydrologic conditions in the Cosumnes River are such that, in any year of water scarcity, the season of diversion authorized herein may be reduced or completely eliminated on order of this Board made after notice to interested parties and opportunity for hearing. (0000090)

18. Permittee shall maintain the existing outlet pipe through the dam in proper working order. (0050800)

19. Collection of groundwater at the reservoir is subject to strict review by the State Water Resources Control Board. To document groundwater storage in the reservoir, permittee shall maintain accurate records of water pumped into the reservoir through readings of a standard water meter installed in the discharge line of the pump or readings of an electrical meter properly calibrated with the pump. Such data shall be supplied to the State Water Resources Control Board with each annual progress report submitted by the permittee. Surface water collected in the reservoir in excess of 60 acre-feet per annum shall be released immediately. (0100999)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A Permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: **JUNE 24 1994**

STATE WATER RESOURCES CONTROL BOARD

Roger [Signature]
761 Chief, Division of Water Rights

3/24/97 Aggd to Saw Ridge meadow owners association